

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CANDACE SMITH,

Plaintiff,

v.

MCDONALDS INCORPORATED, et al.,

Defendants.

Case No. 1:24-CV-00204-KES-SAB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. 12)

Plaintiff Candace Smith, proceeding pro se and *in forma pauperis*, filed this action on February 15, 2024, which was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. Doc. 1.

On June 6, 2024, the magistrate judge issued findings and recommendations, recommending that plaintiff's complaint be dismissed without leave to amend. Doc. 12. The findings and recommendations were served on plaintiff and contained notice that any objections to the findings and recommendations were to be filed within 21 (twenty-one) days from the date of service. *Id.* On September 17, 2024, plaintiff filed an untimely objection. Doc. 13. The untimely objection does not establish any error in the findings and recommendations and does not address the magistrate judge's findings that plaintiff's complaint fails to state a federal claim and fails to establish diversity jurisdiction. *See id.*

In accordance with the provisions of 28 U.S.C. § 636(b)(1), this Court has

1 conducted a *de novo* review of this case. Having carefully reviewed the file, the Court finds the
2 findings and recommendations are supported by the record and proper analysis.

3 Accordingly, IT IS ORDERED that:

- 4 1. The findings and recommendations, filed June 6, 2024, are ADOPTED IN FULL;
- 5 2. Plaintiff's complaint, filed February 15, 2024, is DISMISSED without leave to
6 amend; and
- 7 3. The Clerk of the Court is DIRECTED to close this case.

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9
10 IT IS SO ORDERED.

11 Dated: November 25, 2024



UNITED STATES DISTRICT JUDGE